

1 HEATHER A. MORGAN (SB# 177425)
2 AMANDA BOLLIGER (SB# 250292)
3 TARA M. DUESTER (SB# 265622)
heathermorgan@gbllp.com
amandabolliger@gbllp.com
taraduester@gbllp.com
4 GBG LLP
633 West 5th Street, Suite 3330
5 Los Angeles, CA 90071
Telephone: (213) 358-2810
6 Facsimile: (213) 995-6382

7 Attorneys for Defendants
KAISER FOUNDATION HEALTH PLAN, INC.;
8 KAISER FOUNDATION HOSPITALS; and
THE PERMANENTE MEDICAL GROUP, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

13 LUNELL GAMBLE, and SHEILA KENNEDY,
14 on behalf of themselves as well as a class of
similarly situated individuals,

15 || Plaintiffs,

16 || vs.

17 KAISER FOUNDATION HEALTH PLAN,
18 INC.; KAISER FOUNDATION HOSPITALS,
19 INC.; and THE PERMANENTE MEDICAL
GROUP; all doing business as KAISER
PERMANENTE MEDICAL CARE
PROGRAM.

Defendants.

Case No. 17-cv-06621-YGR

**DEFENDANTS' NOTICE OF PENDENCY
OF OTHER ACTION OR PROCEEDING**

Judge Hon. Yvonne Gonzalez Rogers
Courtroom: 1

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Pursuant to Civil Local Rule 3-13, Defendants KAISER FOUNDATION HEALTH
 3 PLAN, INC. (“KFHP”); KAISER FOUNDATION HOSPITALS (“KFH”); and THE
 4 PERMANENTE MEDICAL GROUP, INC. (“TPMG”) (collectively, “Defendants”) submit this
 5 Notice of Pendency of Other Action or Proceeding to give notice of the following action: *Shelby*
 6 *Stewart, Charleta Dabrowski, Benedict Johnson, and Kenya Mayfield, on behalf of themselves*
 7 *and all others similarly situated v. Kaiser Foundation Health Plan, Inc., Kaiser Foundation*
 8 *Hospitals, Inc., The Permanente Medical Group, and Southern California Permanente Medical*
 9 *Group*, San Francisco Superior Court Case No. CGC-21-590966 (“*Stewart*”).

10 **This Action – *Lunell Gamble and Sheila Kennedy v. Kaiser Foundation Health Plan,***
 11 ***Inc, Kaiser Foundation Hospitals, and The Permanente Medical Group, Inc.* (“*Gamble*”)**

12 In this case, the operative Fourth Amended Federal Court Class Action Complaint filed by
 13 Plaintiffs Lunell Gamble and Sheila Kennedy alleges the following purported causes of action:
 14 (1) Violation of Title VII, 42 U.S.C. §2000e-2 et seq., and California Fair Employment and
 15 Housing Act (FEHA), California Government Code 12940, et seq. – Class Race and Subclasses –
 16 Race/Gender and Race/Age – Disparate Impact in Promotion; (2) Violation of Title VII, 42
 17 U.S.C. §2000e-2 et seq., and the Civil Rights Act, 42 U.S.C. §1981, and California Fair
 18 Employment and Housing Act (FEHA), California Government Code 12940, et seq. – Class Race
 19 and Subclasses – Race/Gender and Race/Age –Disparate treatment in promotion, retention and
 20 termination; (3) Violation of Age Discrimination in Employment Act, (ADEA), 29 U.S.C. §621,
 21 et seq., and FEHA – Age Discrimination in Termination; and (4) Title [sic] VII, FEHA, ADEA
 22 and §1981 – Class Claims for Disparate and Retaliatory Treatment for Making or Assisting in
 23 Complaints. Plaintiffs’ Complaint is pled as a putative class action by which Plaintiffs seek to
 24 represent all “African Americans, and subclasses of female African Americans and older African
 25 Americans, who – during the maximum liability period determined for this action – were
 26 employed at [Defendants] in the northern California region, and (1) were denied promotion, (2)
 27 were terminated, or (3) complained internally or to a governmental entity regarding race or age
 28 discrimination.”

1 **The *Stewart* Matter**

2 *Stewart* was filed in the San Francisco Superior Court on April 22, 2021, against Kaiser
3 Foundation Health Plan, Inc., Kaiser Foundation Hospitals, The Permanente Medical Group, Inc.
4 and Southern California Permanente Medical Group (“Defendants”) by Plaintiffs Shelby Stewart,
5 Charleta Dabrowski, Benedict Johnson, and Kenya Mayfield, who are represented by Leiff
6 Cabraser, Heimann & Bernstein, LLP (Kelly Dermody and Jalle Dafia) and Medina Orthwein
7 LLP (Felicia Medina, Kevin Love Hubbard and Shauna Madison). The Complaint was filed
8 simultaneously with Plaintiffs’ motion for preliminary approval of a class settlement on behalf of
9 a proposed settlement class of Black or African-American employees employed full-time by any
10 of the Defendants in California at any time between January 1, 2015 and March 31, 2021, in a
11 covered position (i.e., certain delineated full-time occupied, exempt or nonexempt, non-union,
12 non-clinical, Director-level or below jobs in the Administrative Support or Consulting Services
13 job families) in any of the following Regions: Northern California (NCAL); Southern California
14 (SCAL); California locations of the Program Offices Region; California locations of the KP-IT
15 Region. The *Stewart* Complaint purports to allege the following causes of action (1) Race
16 Discrimination in violation of the Federal Employment and Housing Act (“FEHA”), Gov’t Code
17 §12940 et seq., Title VII, 42 U.S. C section 1981; (2) Unequal pay in violation California Fair
18 Pay Act, Cal. Lab. Code section 1197.5, et seq.; (3) Failure to prevent discrimination in violation
19 of the FEHA, Cal. Gov’t Code section 12940(k); (4) Unfair competition in violation of California
20 Unfair Competition Law, Cal. Bus & Prof. Code sections 17200 et seq.; and (5) violation of the
21 Private Attorneys General Act, Cal. Lab. Code section 2698 et seq. The motion for preliminary
22 approval in *Stewart* remains pending.

23 //

24 //

25 //

26 //

27 //

28 //

Defendants do not believe that *Gamble* and *Stewart* are related cases or that they should be coordinated but file this Notice of Pendency in an abundance of caution to provide notice to the Court of the *Stewart* matter.

DATED: May 24, 2021

GBG LLP

BY: /s/ Amanda Bolliger
AMANDA BOLLIGER

Attorneys for Defendants
KAISER FOUNDATION HEALTH PLAN,
INC.; KAISER FOUNDATION
HOSPITALS; and THE PERMANENTE
MEDICAL GROUP, INC.